

REMARKS

In response to the final Office Action mailed September 21, 2006, Applicants have amended claims 1, 12, 13, 18, 20, 21 and 25-28. Claims 4-11, 14 and 29 have been canceled and new claim 30 has been added. Support for all the above amendments can be found throughout the provisional application as filed, for example, at page 1, lines 8-13, page 3, lines 7-16 and page 5, lines 4-17. No new matter has been added. The above amendments are not to be construed as acquiescence to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 1-3, 12, 13, 15-28 and 30 are pending in the application. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Claim Rejection Under 35 U.S.C. 102(b)

Claims 1-5, 7, 14-22, and 29 stand rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Neuwelt *et al.* (Cancer Res., November 1, 2001). In particular, the Action asserts that the claims are not entitled to the filing date of the provisional application since the subject matter of the claims is allegedly broader in scope than the disclosure of the provisional application.

Applicants respectfully traverse this rejection and submit that the claims as amended are entitled to the filing date of the provisional application, which is October 31, 2002. In particular, Applicants submit that claim 1 has been amended without prejudice or acquiescence to recite "a method for preventing or ameliorating chemotherapy-induced thrombocytopenia, comprising administering to a patient in need thereof an effective amount of a thiol-based compound or composition wherein said thiol-based compound or composition is selected from the group consisting of sodium thiosulfate and NAC concurrently with or following the administration of myelosuppressive chemotherapy." Claims 4-11, 14 and 29 have been canceled. Dependent claims have been amended for clarity, to assure appropriate

antecedent basis and to correct any dependencies necessary due to the cancellation of claims. Applicants submit that support for the amendments, including new claim 30, can be found throughout the provisional application as filed, for example, at page 1, lines 8-13, page 3, lines 7-16 and page 5, lines 4-17. Applicants submit that the priority date to which the present claims are entitled is the filing date of the provisional application, October 31, 2002. Accordingly, the cited reference is not prior art under 35 U.S.C. § 102(b). Reconsideration of the claims and withdrawal of the rejection are respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Neuwelt *et al.*, *Cancer Res.*, Nov. 1, 2001, in view of Muldoon *et al.*, *J. Pharm. and Exp. Therap.*, March, 2001, and Doolittle *et al.*, *Blood*, Nov. 16, 2001.

Applicants respectfully traverse the rejection on the following grounds. As outlined in detail above, the claims as amended are fully supported by the disclosure of the provisional application and are entitled to the earlier filing date of October 31, 2002. As such, the Neuwelt *et al.* and Doolittle *et al.* references are only citable as prior art under 35 U.S.C. § 102(a). However, a showing was made by Applicants by way of the Declarations filed with Applicants' response of June 14, 2006, from each joint inventor of the present application, stating that the cited references Neuwelt *et al.*, and Doolittle *et al.*, are Applicants' own work and are not "by another". Accordingly, the teachings of Neuwelt *et al.* and Doolittle *et al.* cannot be used in combination with the teachings of Muldoon *et al.*, in rendering obvious the presently claimed subject matter.

As outlined in Applicants' response of June 14, 2006, the teaching of Muldoon *et al.*, fails to disclose or even suggest the presently claimed methods. In particular, the Action asserts that Muldoon *et al.*, disclose that sodium thiosulfate, *N*-Acetylcysteine and glutathione ethyl ester act as chemoprotectants against toxicity of carboplatin, cisplatin, etoposide phosphate and melphalan on small cell lung cancer cells and fibroblasts. Applicants traverse this rejection and submit that the cited reference does not contemplate a method for preventing or ameliorating

chemotherapy-induced thrombocytopenia, comprising administering to a patient in need thereof an effective amount of a thiol-based compound or composition wherein said thiol-based compound or composition is selected from the group consisting of sodium thiosulfate and NAC concurrently with or following the administration of myelosuppressive chemotherapy. Accordingly, Applicants respectfully submit that the teachings of Muldoon *et al.*, fail to render obvious the subject matter of the pending claims and respectfully request withdrawal of the rejection.

In view of the above amendments and remarks, the claims are now believed to be in condition for allowance. However, should any further issue require attention, the Examiner is encouraged to contact the undersigned at 206-622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

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